

**REMARKS**

This paper is responsive to the Final Office Action dated January 4, 2007 (the “Final Office Action”).

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52 and 54-56 were previously pending in the application. Claims 21 and 54 have been amended in this paper. New claims 57-59 have been added in this paper. No claims have been canceled in this paper.

Accordingly, claims 1, 3-11, 13-30, 33-37, 39-45, 48-52 and 54-59 are now pending.

Claims 4, 7, 14, 17, 27-29 and 42-44 are under objection. Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected.

Claims 21-23 and 54-56 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,408,518, issued to Yunoki (“*Yunoki*”).

The amendments add no new matter and are fully supported by the Specification as originally filed. While not conceding that the cited references qualify as prior art, Applicant has chosen to address the claim rejections as set forth below. The following arguments are made without prejudice to Applicant’s right to establish, for example in a continuing application, that the cited reference does not qualify as prior art with respect to a currently or subsequently claimed aspect of the invention. Applicant offers that the claims are allowable at least for the reasons presented below.

***Allowable Subject Matter***

Applicant expresses continued gratitude for the indication that objected claims 4, 7, 14, 17, 27-29, and 42-44 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant wishes to maintain these claims in dependent form in view of the following remarks regarding the base claims.

***Rejection of Claims under 35 U.S.C. §101***

Claims 21-23 and 54-56 stand rejected under § 101 as being directed to non-statutory subject matter. Claims 21 and 54 have been amended. Applicant respectfully submits that amended claims 21-23 and 54-56 are patentable under § 101, as discussed below.

**Independent Claims 21 and 54**

The concern in the Final Office Action appears to relate to the limitations of a “signal bearing medium” in independent claims 21 and 54. The Final Office Action appears to argue that neither this limitation nor any other restricts these claims to statutory subject matter under § 101. In particular, the Final Office Action notes that examples of a signal bearing medium include “communications links,” as set forth in the following passage from p. 17 of Applicant’s originally filed Specification.

Examples of a signal bearing media include but are not limited to the following: recordable type media such as floppy disks, hard disk drives, CD ROMs, digital tape, and transmission type media such as digital and analogue communication links using either synchronous or asynchronous communication links (e.g., TDM, packet, ATM, frame based communications links).

Based on this passage, the Final Office Action argues that the subject matter of claims 21-23 and 54-56 “is a form of energy, such as air waves.” The concern appears to be that Applicant’s claim encompasses a raw information signal, such as an energy wave or a stream of photons propagating in free space.

Applicant’s independent claims 21 and 55 are not directed to raw signals. For example, claim 21 includes a positive limitation of a “signal bearing medium.” Thus, the scope of this claim is limited by requiring something—a medium that carries or otherwise bears a signal. This medium by nature must be a “machine, manufacture, or composition of matter,” and is thus among the explicitly enumerated examples of patentable subject matter in § 101.

Nonetheless, to further prosecution, Applicant has amended claim 21 to include a limitation of “a tangible signal bearing medium.” This amendment further emphasizes that the claim is limited to a scope that includes tangible subject matter. Applicant respectfully submits that in light of the amendment, independent claim 21 and all claims dependent therefrom are clearly patentable under § 101. At least for similar reasons, amended independent claim 54 and all claims dependent therefrom are also clearly patentable under § 101.

#### **Dependent Claims 22 and 55**

Dependent claim 22 includes an additional limitation that further highlights the nature of the claim as being directed to statutorily patentable subject matter. Claim 22 requires that the signal bearing medium includes “recordable media.” Examples from the above-quoted passage include floppy disks, hard disk drives, CD ROMs, and digital tape. This additional limitation further highlights the patentability of the claim under § 101, since a “recordable media” is by nature tangible. Even if a person having ordinary skill in the art could possibly envision a signal

bearing medium as not being tangible, he or she would not envision this hypothetical non-tangible medium as also capable of being “recordable media.”

At least for this additional reason, Applicant respectfully submits that dependent claim 22 is patentable under § 101. At least for similar reasons, dependent claim 55 is also patentable under § 101. Accordingly, Applicant respectfully requests that the rejections under § 101 be withdrawn.

***Rejection of Claims under 35 U.S.C. §102(b)***

Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected under § 102(b) as being anticipated by *Yunoki*. Applicant respectfully submits that the claims are allowable over the cited art because *Yunoki* does not disclose each limitation of the pending claims.

The Final Office Action reiterates the arguments set forth in the previous rejections. In addition, the Final Office Action on p. 3 offers a clarification of the arguments by indicating that *Yunoki*’s “teleconference ID” (introduced in 3:29-33) is the component from the cited reference that supposedly corresponds to the “token” in Applicant’s claim 1. According to the Final Office Action, a user can obtain teleconference data by specifying a teleconference ID. The Final Office Action goes on to argue on p. 3 that:

This operation enables the teleconference status confirmer in the teleconference to execute the process for allowing any of the teleconference participants to obtain pertinent teleconference data and status confirmation **(persistently or nonpersistently) to extend conference capabilities (i.e. to unavailable station) of an ongoing conference call.**

(Final Office Action at 3 (emphasis added).)

In support of this argument, the Final Office Action cites two previously cited and lengthy passages from columns 5-7 of *Yunoki* (*Yunoki* at 5:28—6:6, and 6:61—7:47). Applicant respectfully submits, again, that the particular parts of *Yunoki* that the Final Office Action has relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2).

Moreover, the above-quoted passage appears to be drawn not from the cited portions of *Yunoki*, but rather from subsequent material. In particular, it appears to mirror the following sentence of *Yunoki*.

The above operations enable the teleconference status confirmer in the teleconference registerer 7 to execute the process for allowing any of the teleconference participants to obtain pertinent teleconference data for its status confirmation.

(*Yunoki* at 7:55-59.)

This sentence has wording that is similar to the first part of the above-quoted passage from the Final Office Action. However, neither this sentence nor the cited passages of *Yunoki* support the latter part of that quoted portion from the Final Office Action, which is shown above in boldface. For example, *Yunoki* does not appear to teach the obtaining of a status confirmation

“persistently or nonpersistently.” *Yunoki* further does not appear to teach that this obtaining is done “to extend conference capabilities (i.e. to unavailable station) of an ongoing conference call.”

More to the point, *Yunoki* fails to disclose each imitation of Applicant’s claims. For example, cited portions of *Yunoki* fail to disclose the limitation from Applicant’s claim 1 of extending a persistent invitation “**after the ongoing conference call has begun.**” Again, the specific features of *Yunoki* that purportedly correspond to this limitation have not been pointed out in the Final Office Action. As discussed previously, Applicant understands the pending rejections as proposing that the voice message from *Yunoki* is an invitation. However, nowhere in the cited material is there a teaching that the *Yunoki* voice message is sent to participants after an ongoing conference has begun. Applicant also sees no such teaching in any other portion of *Yunoki*. Thus, this limitation is not disclosed in the cited reference.

Further, an example in *Yunoki* implies that a contrary timing relationship exists between the voice message and a teleconference run. In this example, the *Yunoki* voice message is sent **before** a teleconference run. *Yunoki* details a series of chronological steps in a method for establishing a teleconference run, starting from 5:13 and running through 9:12. The *Yunoki* procedure receives a request from a call originating subscriber to establish an upcoming teleconference run. (*Yunoki* at 5:13-17.) Invitees are then notified of the upcoming teleconference run. (*Id.* at 5:61—6:5.) If necessary, the originating subscriber may cancel the teleconference run. (*Id.* at 6:10-60.) After receiving the initial notification of the teleconference run, invitees are offered opportunities to confirm (*Id.* at 7:1-59) or decline (*Id.* at 7:60—8:41) their participation in the teleconference run. Only after these initial procedures does the *Yunoki* procedure initiate a teleconference run.

“A teleconference participant executes processes . . . for a teleconference absence notification process, a teleconference cancellation process and a teleconference status confirmation process, at any time after the [teleconference notification] process in ST2 and **before** the process in ST6 (a teleconference run process) on request from a controller.” (*Yunoki* at 11:30-37, emphasis added.) Thus, in this example from *Yunoki*, the voice message is sent in advance of the *Yunoki* teleconference run, rather than after the teleconference run has begun. Applicant sees no example in *Yunoki* that teaches extending a persistent invitation to join an ongoing conference call after the ongoing conference call has begun. This limitation is not disclosed in *Yunoki*.

Accordingly, Applicant submits that independent claim 1 and all claims dependent therefrom are allowable under §102(b). Independent claim 11 and all claims dependent therefrom are also allowable at least for similar reasons.

Applicant’s independent claim 24 includes a limitation of:

receiving at an initially unavailable network station client a persistent invitation to join an ongoing conference call, wherein said receiving occurs after the ongoing conference call has begun.

With regard to this limitation, the Final Office Action cites FIG. 1, 2:16-25, and 5:13—6:5 from *Yunoki*. Again, Applicant respectfully submits that the particular parts of *Yunoki* that the Final Office Action has relied upon have not been designated as nearly as practicable. Applicant submits that the Final Office Action has not clearly pointed out the various aspects of the claim limitations in the cited passages. For example, the Final Office Action does not include any indication as to what aspects of *Yunoki* are purported to correspond to the “persistent invitation” or the “initially unavailable network station client” in Applicant’s claim 24.

Nevertheless, the applicants have made every effort to respond to the rejections outlined by in the Final Office Action.

The cited portions of *Yunoki* set forth a system for automatically holding a teleconference at a specified time on a designated date. The *Yunoki* system issues an absence notice in a batch to all other participants when a scheduled participant cannot attend the teleconference. (*Yunoki* at 2:16-25.) The cited portions also describe the teleconference reservation notifier, discussed above, and the voice message for notifying teleconference participants of a teleconference run. (*Yunoki* at 5:61—6:5.) At best, with regard to claim 24, this voice message may be seen as an invitation to a teleconference. However, the cited material does not teach or suggest that the *Yunoki* voice message is received “**at an initially unavailable network station client.**” With regard to the recipients of the voice message, *Yunoki* requires only that their names be obtained by the teleconference reservation notifier system. (*Yunoki* at 5:28-33.) The cited portions of *Yunoki* do not discuss the availability or unavailability of the recipient of the voice message. Thus, *Yunoki* fails to disclose the limitation from claim 24 that the receiving is at an initially unavailable network station client.

Additionally, the cited material does not teach that the receiving “**occurs after the ongoing conference call has begun,**” as required in Applicant’s claim 24. Again, the specific features of *Yunoki* that purportedly correspond to this limitation have not been pointed out in the Final Office Action. As discussed above, Applicant believes the Final Office Action to understand the *Yunoki*’s voice message as corresponding to an invitation. However, nowhere in the cited material is there a teaching that the *Yunoki* voice message is received after an ongoing conference has begun. Applicant also sees no such teaching in any other portion of *Yunoki*. Thus, this limitation is also not disclosed in the cited reference.



With regard to the limitation of “**activating a token**” in Applicant’s claim 24, the Final Office Action, for the first time, proposes on p. 3 that this limitation is met by *Yunoki*’s teleconference ID. However, the cited portions of *Yunoki* presents no teaching that the teleconference ID is activated “**in response to user input to a network station client selected from the group comprising the initially unavailable network station client and another network station client,**” as set forth in Applicant’s claim 24. This shortcoming arises at least because the cited material does not describe the “activating” of the teleconference ID in response to user input.

Accordingly, Applicant submits that independent claim 24 and all claims dependent therefrom are allowable under §102(b). Independent claim 39 and all claims dependent therefrom are also allowable at least for similar reasons.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance, and a notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on March 5, 2007.

  
Attorney for Applicant

2007 Mar 5  
Date of Signature

Respectfully submitted,



Cyrus F. Bharucha  
Attorney for Applicant  
Reg. No. 42,324  
Telephone: (512) 439-5097  
Facsimile: (512) 439-5099